

No.

200400174



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pioneer Hi-Bred International, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREBUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR PLANT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 U.S.C. 2131-2144, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WHEAT, COMMON

'26R31'



In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this tenth day of September, in the year two thousand and four.

Attest:

*Almze*

Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

*Freeman*


Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE  
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER <b>Pioneer Hi-Bred International, Inc.</b>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME <b>XW02M</b>		3. VARIETY NAME <b>26R31</b> <span style="float: right;">17A4 8/16/04</span>	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) <b>Crop Genetics Research &amp; Development Wheat Research 3850 N. 100 E. Windfall, IN 46076-9389</b>		5. TELEPHONE (include area code) <b>(765) 945-7906</b>		<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; margin: 0;">FOR OFFICIAL USE ONLY</p> <hr/> <p>PVPO NUMBER <b>200400174</b></p> <hr/> <p>FILING DATE <b>April 8, 2004</b></p> </div>	
		6. FAX (include area code) <b>(765) 945-8313</b>			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) <b>Corporation</b>		8. IF INCORPORATED, GIVE STATE OF INCORPORATION <b>Iowa</b>			
		9. DATE OF INCORPORATION <b>May 7, 1926</b>			
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) <b>Dr. Gregory C. Marshall Pioneer Hi-Bred International, Inc. Wheat Research 3850 N. 100 E. Windfall, IN 46076-9389</b>				<div style="border: 1px solid black; padding: 5px;"> <p>FILING AND EXAMINATION FEES: \$ <b>3652.00</b> DATE <b>4/08/2004</b></p> <p>CERTIFICATION FEE: \$ <b>432.00</b> DATE <b>8/13/2004</b></p> </div>	
11. TELEPHONE (include area code) <b>(765) 945-7906 ext. 11</b>		12. FAX (include area code) <b>(765) 945-8313</b>		13. E-MAIL <b>Greg.Marshall@Pioneer.com</b>	
14. CROP KIND (Common Name) <b>Wheat</b>		16. FAMILY NAME (Botanical) <b>Triticum aestivum</b>		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP <b>gramineae</b>		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)				20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23)	
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)				21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
				22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)				24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER 			SIGNATURE OF OWNER		
NAME (Please print or type) <b>Gregory C. Marshall</b>			NAME (Please print or type)		
CAPACITY OR TITLE <b>Wheat Research Director</b>		DATE <b>4/5/04</b>		CAPACITY OR TITLE	
				DATE	

**GENERAL:** To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be **received** in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to **reproduce** the variety, or for tuber reproduced varieties verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$3,652 (\$432 filing fee and \$3,220 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

**Plant Variety Protection Office**

**Telephone: (301) 504-5518**

**FAX: (301) 504-5291**

**Homepage:** <http://www.ams.usda.gov/science/pvpo/pvp.htm>

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that name has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, 10301 Baltimore Avenue, Suite 401 NAL Building, Beltsville, MD 20705. Telephone: (301) 504-5682 <http://www.ams.usda.gov/lsg/seed.htm>.

## ITEM

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;  
(2) the details of subsequent stages of selection and multiplication;  
(3) evidence of uniformity and stability; and  
(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:  
(1) identify these varieties and state all differences objectively;  
(2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and  
(3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

**22. CONTINUED FROM FRONT** (Please provide a statement as to the limitation and sequence of generations that may be certified.)

**23. CONTINUED FROM FRONT** (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

**24. CONTINUED FROM FRONT** (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

**NOTES:** It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

## 19A. Exhibit A. Origin and Breeding History of Pioneer Wheat Cultivar XW02M: '26R31'

MAH  
8/16/2004

Pioneer® experimental cultivar XW02M, a soft red winter wheat (*Triticum aestivum* L.) was developed by Pioneer Hi-Bred Int'l., Inc.. XW02M was derived from the three parent cross:

WEE052A1/Coker 9835//2684

The cultivar, WEE052A1 was a Pioneer line derived from the cross: 2550\*3/AMIGO. The detailed parentage of XW02M is:

2550\*3/AMIGO //Coker 9835/3/2684

The single cross WEE052A1/Coker 9835 was made in the 1992 spring greenhouse cycle and was designated ABP1328. During the 1992 fall greenhouse cycle the F<sub>1</sub>, ABP1328, was crossed with 2684 and the final cross designated A930460. The subsequent breeding history of XW02M is described below.

<u>Year</u>	<u>Generation</u>	
1992	Final cross	
1993	F <sub>1</sub>	F <sub>1</sub> grown in transplant nursery at Windfall IN.
1993-94	F <sub>2</sub>	Bulk populations grown at St. Matthews, SC and Rowland, NC. Individual spike selections made at both locations.
1994-95	F <sub>3</sub>	Headrows from F <sub>2</sub> selections grown at St. Matthews, SC and Rowland, NC. Selected rows cut and threshed individually.
1995-96	F <sub>4</sub>	A 3 row X 3-meter observation plot was planted at St. Matthews, SC and Rowland, NC. A meter section of the center row was harvested from each selected plot and threshed in bulk.
1996-97	F <sub>5</sub>	A seven row X 3-meter plot was planted at St. Matthews, SC and Rowland, NC. Fifty spikes were harvested from each selected plot and threshed individually.
1997-98	F <sub>6</sub>	Twenty headrows of each F <sub>5</sub> selection were grown at St. Matthews, SC and Rowland, NC. Selected rows were cut and threshed individually. This selection was made at St. Matthews.
1998-99	F <sub>7</sub>	Preliminary yield testing of an F <sub>5</sub> selection from an F <sub>6</sub> headrow. This selection designated A930460D1.
1999-2000	F <sub>8</sub>	Advanced yield testing of A930460D1. 200 individual spikes were harvested from a small bulk increase.

2000-01	F <sub>9</sub>	Elite yield testing of A930460D1. 100 purification headrows planted, offtype rows destroyed prior to maturity. The remaining rows were individually cut and threshed. Two spikes were taken from each harvested row.
2001-02	F <sub>10</sub>	Elite yield testing continued of A930460D1. Seed from purification headrows was planted in individual progeny plots which surrounded 200 headrows. Offtype plots and headrows were destroyed prior to harvest. Equal numbers of spikes were harvested from remaining progeny plots for a total of 1000 spikes. Progeny plots harvested in bulk, which constitutes Breeder Seed. Bulk seed, headrow bulks, and spikes were turned over to Pioneer's Parent Wheat Seed Group.
2002-03	F <sub>11</sub>	Elite yield testing continued, designated as YW02M. Seed increase continues by Pioneer Parent Wheat Seed Group.
2003-04	F <sub>12</sub>	Elite yield testing continued, designated as XW02M. Seed increase continues by Pioneer Parent Wheat Seed Group.

Decision to release XW02M will be made in August, 2004 at which time a commercial code will be assigned.

The cultivar XW02M was bred and selected for any and all of the following characteristics in the field environment: disease resistance, plant type, plant height, head type, straw strength, maturity, grain yield, test weight, and milling and baking characteristics.

XW02M has been shown to be uniform and stable since the 7<sup>th</sup> generation, or for the last 5 generations. XW02M has shown no variants other than what would normally be expected due to environment.

## 19B. Exhibit B. Statement of Distinctness

'26R31'

~~XW02M~~ is most similar to Pioneer ® variety 26R24 but with the following distinguishing characteristics:

1. Stem anthocyanin of XW02M is ABSENT, while that of 26R24 is PRESENT.
2. The head shape of XW02M is STRAP, while that of 26R24 is TAPERING.
3. The seed phenol reaction of XW02M is LIGHT BROWN, while that of 26R24 is DARK BROWN.

MAH  
8/16/2004

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U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705

EXHIBIT C  
(Wheat)

OBJECTIVE DESCRIPTION OF VARIETY  
WHEAT (*Triticum* spp.)

NAME OF APPLICANT(S) Pioneer Hi-Bred International, Inc.	FOR OFFICIAL USE ONLY
ADDRESS (Street and No. or RD No., City, State, and Zip Code) Crop Genetics Research & Development Wheat Research 3850 N. 100 E. Windfall, IN 46076-9389	PVPO NUMBER <b>200400174</b> VARIETY NAME <b>'26R31'</b> <b>MAH</b> <b>8/16/2004</b> TEMPORARY OR EXPERIMENTAL DESIGNATION XW02M

PLEASE READ ALL INSTRUCTIONS CAREFULLY: Place the appropriate number that describes the varietal character of this variety in the boxes below.

Place a zero in the first box (e.g.    or   ) when number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: Munsell Color Charts for Plant Tissues

Please answer all questions for your variety; lack of response may delay progress of your application.

1. KIND:

1=Common 2=Durum 3=Club 4=Other (SPECIFY): \_\_\_\_\_

2. VERNALIZATION:

1=Spring 2=Winter 3=Other (SPECIFY): \_\_\_\_\_

3. COLEOPTILE ANTHOCYANIN:

1=Absent 2=Present

4. JUVENILE PLANT GROWTH:

1=Prostrate 2=Semi-erect 3=Erect

5. PLANT COLOR (boot stage):

1 = Yellow-Green 2 = Green 3 = Blue-Green

6. FLAG LEAF (boot stage):

1 = Erect 2 = Recurved  1 = Not Twisted 2 = Twisted

7. EAR EMERGENCE:

Number of Days Earlier Than 26R24

Number of Days Later Than \_\_\_\_\_

6

## 8. ANTHOR COLOR:

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☐ 1

1 = Yellow

2 = Purple

## 9. PLANT HEIGHT (from soil to top of head, excluding awns):

☐ ☐

cm Taller Than \_\_\_\_\_ \*

☐ 1 ☐ 5

cm Shorter Than \_\_\_\_\_ 26R24 \*

\* Relative to a PVPO-Approved Commercial Variety Grown in the Same Trial

## 10. STEM:

## A. ANTHOCYANIN

☐ 1

1 = Absent

2 = Present

## B. WAXY BLOOM

☐ 2

1 = Absent

2 = Present

## C. HAIRINESS (last internode of rachis)

☐ 2

1 = Absent

2 = Present

## D. INTERNODE (SPECIFY NUMBER)

☐ 1

1 = Hollow

2 = Semi-solid

3 = Solid

## E. PEDUNCLE

☐ 2

1 = Absent

2 = Present

☐

cm Length

## 11. HEAD (at Maturity):

## A. DENSITY

☐ 2

1 = Lax

2 = Middense

3 = Dense

## B. SHAPE

☐ 2

1 = Tapering

2 = Strap

3 = Clavate

4 = Other (SPECIFY): \_\_\_\_\_

## C. CURVATURE

☐ 2

1 = Erect

2 = Inclined

3 = Recurved

## D. AWNEDNESS

☐ 2

1 = Awnless

2 = Apically Awnletted

3 = Awnletted

4 = Awned

## 12. GLUMES (at Maturity):

## A. COLOR

☐ 1

1 = White

2 = Tan

3 = Other (SPECIFY): \_\_\_\_\_

## C. BEAK

☐ 1

1 = Obtuse

2 = Acute

3 = Acuminate

## B. SHOULDER

☐ 2

1 = Wanting

2 = Oblique

3 = Rounded

4 = Square

5 = Elevated

6 = Apiculate

## D. LENGTH

☐ 2

1 = Short

2 = Medium

(ca. 7mm)

(ca. 8mm)

3 = Long (ca. 9mm)

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12. GLUMES (at Maturity) *Continued*:

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## E. WIDTH

- ☐ 3    1 = Narrow (ca. 3mm)    2 = Medium (ca. 3.5mm)  
          3 = Wide (ca. 4mm)

## 13. SEED:

## A. SHAPE

- ☐ 1    1 = Ovate    2 = Oval    3 = Elliptical

## B. CHEEK

- ☐ 1    1 = Rounded    2 = Angular

## E. Color

- ☐ 3    1 = White    2 = Amber    3 = Red  
          4 = OTHER (Specify)

## F. TEXTURE

- ☐ 2    1 = Hard    2 = Soft

## C. BRUSH

- ☐ 2    1 = Short    2 = Medium    3 = Long  
☐ 1    1 = Not Collared    2 = Collared

## D. CREASE

- ☐ 1    1 = Width 60% or less of Kernel  
          2 = Width 80% or less of Kernel  
          3 = Width Nearly as Wide as Kernel  
☐ 3    1 = Depth 20% or less of Kernel  
          2 = Depth 35% or less of Kernel  
          3 = Depth 50% or less of Kernel

## G. PHENOL REACTION (see instructions):

- ☐ 3    1 = Ivory    2 = Fawn  
          3 = Light Brown    4 = Dark Brown  
          5 = Black

## 14. DISEASE:    (0=Not Tested;    1=Susceptible;    2=Resistant;    3=Intermediate;    4=Tolerant)

## PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

- |   |  |
|---|--|
| <input type="checkbox"/> 0    Stem Rust ( <i>Puccinia graminis</i> f. sp. <i>tritici</i> )    | <input type="checkbox"/> 2    Leaf Rust ( <i>Puccinia recondita</i> f. sp. <i>tritici</i> )<br>Field races     |
| <input type="checkbox"/> 1    Stripe Rust ( <i>Puccinia striiformis</i> )<br>Field races      | <input type="checkbox"/> 0    Loose Smut ( <i>Ustilago tritici</i> )   |
| <input type="checkbox"/> 3    Tan Spot ( <i>Pyrenophora tritici-repentis</i> )<br>Field races | <input type="checkbox"/> 0    Flag Smut ( <i>Urocystis agropyri</i> )  |
| <input type="checkbox"/> 0    Halo Spot ( <i>Selenophoma donacis</i> )                        | <input type="checkbox"/> 0    Common Bunt ( <i>Tilletia tritici</i> or <i>T. laevis</i> )                      |
| <input type="checkbox"/> 3 <i>Septoria nodorum</i> (Glume Blotch)<br>Field races              | <input type="checkbox"/> 0    Dwarf Bunt ( <i>Tilletia controversa</i> )                                       |
| <input type="checkbox"/> 0 <i>Septoria avenae</i> (Speckled Leaf Disease)                     | <input type="checkbox"/> 0    Karnal Bunt ( <i>Tilletia indica</i> )   |
| <input type="checkbox"/> 3 <i>Septoria tritici</i> (Speckled Leaf Blotch)                     | <input type="checkbox"/> 2    Powdery Mildew ( <i>Erysiphe graminis</i> f. sp. <i>tritici</i> )<br>Field races |
| <input type="checkbox"/> 3    Scab ( <i>Fusarium</i> spp.)<br>Field races                     | <input type="checkbox"/> 0    "Snow Molds"   |

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14. Disease (Continued) (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

<input type="checkbox"/> 0	"Black Point" (Kernel Smudge)	<input type="checkbox"/> 0	Common Root Rot ( <i>Fusarium</i> , <i>Cochliobolus</i> and <i>Bipolaris</i> spp.)
<input type="checkbox"/> 0	Barley Yellow Dwarf Virus (BYDV)	<input type="checkbox"/> 0	Rhizoctonia Root Rot ( <i>Rhizoctonia solani</i> )
<input type="checkbox"/> 1	Soilborne Mosaic Virus (SBMV) Field races	<input type="checkbox"/> 0	Black Chaff ( <i>Xanthomonas campestris</i> pv. <i>translucens</i> )
<input type="checkbox"/> 3	Wheat Yellow (Spindle Streak) Mosaic Virus Field races	<input type="checkbox"/> 0	Bacterial Leaf Blight ( <i>Pseudomonas syringae</i> pv. <i>syringae</i> )
<input type="checkbox"/> 0	Wheat Streak Mosaic Virus (WSMV)	<input type="checkbox"/>	Other (SPECIFY)
<input type="checkbox"/>	Other (SPECIFY)	<input type="checkbox"/>	Other (SPECIFY)
<input type="checkbox"/>	Other (SPECIFY)	<input type="checkbox"/>	Other (SPECIFY)
<input type="checkbox"/>	Other (SPECIFY)	<input type="checkbox"/>	Other (SPECIFY)

15. INSECT: (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE SPECIFY BIOTYPE (where needed)

<input type="checkbox"/> 2	Hessian Fly ( <i>Mayetiola destructor</i> ) Biotype E	<input type="checkbox"/>	Other (SPECIFY)
<input type="checkbox"/> 0	Stem Sawfly ( <i>Cephus</i> spp.)	<input type="checkbox"/>	Other (SPECIFY)
<input type="checkbox"/> 0	Cereal Leaf Beetle ( <i>Oulema melanopa</i> )	<input type="checkbox"/>	Other (SPECIFY)
<input type="checkbox"/> 0	Russian Aphid ( <i>Diuraphis noxia</i> )	<input type="checkbox"/>	Other (SPECIFY)
<input type="checkbox"/> 0	Greenbug ( <i>Schizaphis graminum</i> )	<input type="checkbox"/>	Other (SPECIFY)
<input type="checkbox"/> 0	Aphids	<input type="checkbox"/>	Other (SPECIFY)

16. ADDITIONAL INFORMATION ON ANY ITEM ABOVE, OR GENERAL COMMENTS

**19D. Exhibit D. Additional Description of the Variety****1. Yield and Agronomic information.**

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<sup>'26R31'</sup>  
Preliminary yield testing of ~~XW02M~~ began in the 1998-99 growing season and wide scale testing has been conducted from the 1999-2000 growing season to the present. It has shown adaptation to the soft red winter wheat growing regions of the southeastern and mid-southern U.S., approximately south of the Ohio river. (Table 1).

**2. Information on Milling and Baking Qualities.**

XW02M has demonstrated acceptable soft winter wheat milling and baking qualities, similar to other varieties in the region (Table 2).

Table 1. Paired comparisons of **XW02M** in the Mid-south and Southeast regions during the period 2001-2003.

Variety	Grain Yield	Test Weight	Plant Height	Heading Date	Straw Lodging	Leaf Rust	Leaf Blight	Powdery Mildew	Scab	Stripe Rust	SSMV	SBMV
	bu/ac	lb/bu	cm	After Jan 1	1-9@	1-9@	1-9@	1-9@	1-9@	1-9@	1-9@	1-9@
<b>Mid-south</b>												
<b>XW02M</b>	74.5	55.3	78.7	115.0	9.0	8.0	6.0	6.3	3.8	6.0	4.0	4.0
<b>26R24</b>	72.2	54.2	94.2	115.9	6.8	7.6	3.7	4.2	5.5	7.0	3.3	3.3
Years	2	2	2	2	2	2	2	2	1	1	2	2
Reps.	39	41	22	18	4	10	11	5	7	2	4	4
Prob.	0.360	0.001	0.000	0.230	0.421	0.178	0.005	0.039	0.199	0.205	0.205	0.205
<b>Southeast</b>												
<b>XW02M</b>	71.7	55.6	77.5	112.5	9.0	7.8	5.5	6.8	1.5	6.0	3.0	3.0
<b>26R61</b>	63.5	55.3	95.3	114.1	8.5	8.5	6.3	4.0	8.5	5.5	3.5	3.5
Years	2	2	2	2	1	1	1	1	1	1	1	1
Reps.	20	20	11	10	2	6	6	3	2	2	2	2
Prob.	0.036	0.736	0.000	0.049	0.057	0.038	-	0.272				
<b>Southeast</b>												
<b>XW02M</b>	70.7	55.8	71.4	108.5	6.6	7.9	4.3	8.5				
<b>26R24</b>	65.0	55.0	86.1	108.6	4.8	6.7	3.5	6.7				
Years	3	3	2	2	2	2	1	2				
Reps.	29	26	13	17	15	8	3	12				
Prob.	0.094	0.274	0.000	0.932	0.033	0.093	0.656	0.38				
<b>Southeast</b>												
<b>XW02M</b>	69.7	55.8	71.4	108.5	6.6	7.9	4.3	8.5				
<b>26R61</b>	62.9	57.6	87.6	108.6	6.1	7.9	5.0	5.9				
Years	3	3	2	2	2	2	1	2				
Reps.	30	26	13	17	15	8	3	12				
Prob.	0.071	0.002	0.000	0.910	0.533	0.860	0.205	0.010				

@ Scale of 1 – 9 where 9 = excellent or resistant, 1 = poor or susceptible

SSMV = Wheat Spindle Streak Mosaic Virus SBMV = Soil-borne Mosaic Virus

Mid-south data collected at locations in Arkansas, Kentucky, Missouri, Illinois, Indiana and Tennessee.  
Southeast data collected at locations in Virginia, North Carolina, South Carolina and Georgia.

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Table 2. Average Soft wheat quality data, 2000-2003.

Variety	Flour Yield %	Break Flour Yield %	Flour Protein %	AWRC %	Lactic Acid SRC %	Cookie Diameter cm
<del>XW02M</del> Years(reps)	72.1 2(3)	40.8 2(3)	9.3 2(3)	57.1 2(3)	96.5 1(3)	17.6 1(2)
26R24 Years(reps)	68.8 4(19)	43.9 4(19)	10.7 4(19)	57.1 4(19)	108.5 1(2)	18.2 3(8)
26R61 Years(reps)	71.1 4(14)	42.1 4(14)	10.3 4(14)	54.3 4(14)	116.5 1(2)	18.5 3(8)
2684 Years(reps)	71.3 4(19)	42.8 4(19)	10.4 4(19)	53.2 4(19)	91.5 1(2)	18.8 3(8)

AWRC = Alkaline Water Retention Capacity.

Lactic Acid SRC = Lactic Acid Solvent Retention Capacity

Quality data collected at Pioneer in Johnston, IA and the USDA-ARS Soft Wheat Quality Lab in Wooster, OH.

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U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

**EXHIBIT E**  
**STATEMENT OF THE BASIS OF OWNERSHIP**

1. NAME OF APPLICANT(S) Pioneer Hi-Bred International, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER XW02M	3. VARIETY NAME '26R31' <i>MAH 8/16/2004</i>
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) Crop Genetics Research & Development Wheat Research 3850 N. 100 E. Windfall, IN 46076-9389	5. TELEPHONE (Include area code) (765) 945-7906	6. FAX (Include area code) (765) 945-8313
	7. PVPO NUMBER 200400174	

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

**PLEASE NOTE:**

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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